

# EXHIBIT E

(Declaration of Jason A. Newman)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

RAYANNE REGMUND, et al.

*Plaintiffs,*

v.

TALISMAN ENERGY USA INC.

*Defendant.*

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CIVIL ACTION NO. 4:16-cv-02960

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**DECLARATION OF JASON A. NEWMAN**

1. My name is Jason A. Newman. I am of the age of majority and am competent to make this declaration.
2. I am a partner at Baker Botts LLP. In the above-captioned matter, I represent Talisman Energy USA, Inc., which effective December 30, 2016 by Certificate of Conversion filed with the Secretary of State of Texas became Repsol Oil & Gas USA, LLC (“Defendant” or “Talisman”).
3. Pursuant to the notice provisions of the Class Action Fairness Act, 28 U.S.C. § 1715 (“CAFA”), on October 19, 2020, on behalf of Talisman, a Notice of Proposed Class Action Settlement and the following documents were mailed to the Attorney General of the United States, the Attorney General of the District of Columbia, and to the Attorneys General of all 50 states:
  - a. A copy of the Complaint, filed on May 31, 2016, and attachments filed therewith;
  - b. A copy of the First Amended Complaint, filed April 24, 2018, and attachments filed therewith;
  - c. A copy of the Settlement Agreement, with the following exhibits attached thereto:
    - i. Plan of Allocation;
    - ii. Order Granting Preliminary Approval of Class Action Settlement, Certifying the Class for Settlement Purposes, Approving Form and Manner of Notice, and Setting Date for Final Fairness Hearing;
    - iii. Order and Judgment Granting Final Approval of Class Action Settlement;

- iv. Notice of Proposed Settlement, Motion for Attorneys' Fee, and Fairness Hearing;
  - v. Order Approving the Final Schedule of Distribution and Non-Participation Refund;
  - vi. Heirship/Beneficiary Information Form; and
- d. A Document providing a reasonable estimate of the number of class members residing in each state and the estimated proportionate share of the claims of such members to the entire settlement.
4. A true and correct copy of the Notice of Proposed Class Action Settlement (omitting the attachments thereto) is attached to this declaration as Exhibit A.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 9, 2021

  
\_\_\_\_\_  
Jason A. Newman

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October 19, 2020

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***VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED***

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William Barr  
Attorney General of the United States  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Re: Notice of Proposed Class Action Settlement Pursuant to the Class Action Fairness Act (28 U.S.C. § 1715) in Case No. 4:16-cv-02960, *Rayanne Regmund et al. v. Talisman Energy USA Inc.*, In the U.S. District Court Southern District of Texas, Houston Division.

Dear Attorney General Barr and Ladies and Gentlemen:

This Notice is sent on behalf of Defendant Talisman Energy USA, Inc., which effective December 30, 2016 by Certificate of Conversion filed with the Secretary of State of Texas became Repsol Oil & Gas USA, LLC (“Defendant” or “Talisman”). Pursuant to the Class Action Fairness Act, 28 U.S.C. § 1715 (“CAFA”), Defendant writes to notify you of a class action settlement in *Rayanne Regmund et al. v. Talisman Energy USA Inc.*, No. 4:16-cv-02960 (S.D. Tex.) (the “Litigation”). In the Litigation, Plaintiffs Rayanne Regmund Chesser and Gloria Janssen (“Lead Plaintiffs”), individually and on behalf of all others similarly situated (collectively, “Plaintiffs”), allege that Defendant improperly calculated and paid royalties in the Eagle Ford Area in Texas to the Class Members for Production occurring during the Claim Period of January 1, 2013 to June 1, 2016 based on the allegedly improper use of a volumetric allocation methodology and/or estimated shrunk production volumes in the Eagle Ford Area.<sup>1</sup> Plaintiffs have asserted claims for breach of contract, accounting, unjust enrichment, and declaratory judgment against Defendant. Defendant denies and disputes Plaintiffs’ allegations and has asserted counterclaims, including to recoup overpayments to Class Members in the event Plaintiffs succeeded on their claims.

On October 15, 2020, after arm’s length negotiations undertaken in good faith, Plaintiffs, on behalf of the putative class, and Defendant executed a Stipulation and Agreement of Settlement (hereinafter, including all exhibits attached hereto, referred to collectively as the

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<sup>1</sup> Capitalized terms not otherwise defined in this notice shall have the meanings attributed to those terms in the Stipulation and Agreement of Settlement.

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“Settlement Agreement”). The Settlement Agreement was filed with the Court on October 15, 2020, as further identified below.

The Settlement Agreement sets forth the following proposed settlement class:

“Settlement Class” means:

- a. All persons who received or were entitled to receive Royalty payments from Talisman attributable to Production within the Eagle Ford Area occurring during the Claim Period (i.e. January 1, 2013 to June 1, 2016) that was commingled with Production from one or more other wells, and to whom Talisman paid such Royalties using a volumetric allocation methodology on net production sold and/or estimated “shrunk” production volumes.
- b. Excluded from the class are (a) all governmental entities, including federal, state, and local governments and their respective agencies, departments, or instrumentalities; (b) any foreign citizens, states, territories, or entities; (c) owners of any interests and/or leases located on or within any federally created units; (d) owners of any non-operating working interest for which Talisman or its agents or representatives, as operator, disburses royalty; (e) Talisman, Statoil, and any entity in which Talisman or Statoil has a controlling interest, and their officers, directors, legal representatives, and assigns; and (f) members of the judiciary and their staff to whom this action is assigned.

Settlement Agreement ¶ 1.58.

In accordance with CAFA notice provisions, 28 U.S.C. § 1715, Defendant is including the following documents (on the enclosed flash drive) as part of this notice:

1. As **Exhibit A**, a copy of the Complaint, filed on May 31, 2016, and attachments filed therewith. *See* 28 U.S.C. § 1715(b)(1).
2. As **Exhibit B**, a copy of the First Amended Complaint, filed April 24, 2018, and attachments filed therewith. *See id.*
3. As **Exhibit C**, a copy of the Settlement Agreement with all exhibits, which filed with the Court and is subject to Court approval. *See* 28 U.S.C. § 1715(b)(4). Attached to the Settlement Agreement are:
  - a. Exhibit 1: Plan of Allocation
  - b. Exhibit 2: Order Granting Preliminary Approval of Class Action Settlement, Certifying the Class for Settlement Purposes, Approving Form and Manner of Notice, and Setting Date for Final Fairness Hearing (“Preliminary Approval Order”)

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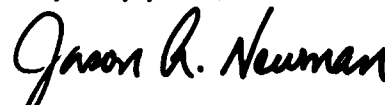
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- c. Exhibit 3: Order and Judgment Granting Final Approval of Class Action Settlement (“Judgment”)
  - d. Exhibit 4: Notice of Proposed Settlement, Motion for Attorneys’ Fees, and Fairness Hearing (the “Notice of Settlement”), which will be given to the class upon entry of and in accordance with the Preliminary Approval Order. *See* 28 U.S.C. § 1715(b)(3)(B). This Notice sets forth members’ rights to request exclusion from the class action. *See* 28 U.S.C. § 1715(b)(3)(A)(i); Notice of Settlement at 8, § 13.
  - e. Exhibit 5: Order Approving the Final Schedule of Distribution and Non-Participation Refund (“Distribution Order”)
  - f. Exhibit 6: Heirship/Beneficiary Information Form (“Heirship Form”)
4. As **Exhibit D**, a document providing a reasonable estimate of the number of class members residing in each state and the estimated proportionate share of the claims of such members to the entire settlement. *See* 28 U.S.C. § 1715(b)(7). Any official who would like to obtain a list of names and settlement amounts for putative class members is kindly requested to contact me using the contact information above so that appropriate confidentiality protections can be arranged in connection with the dissemination of this information.

On October 15, 2020, Plaintiffs filed (1) a Motion for Preliminary Approval of Class Action Settlement Agreement, Plan of Allocation, and Class Notice and (2) a Motion for Class Certification Pursuant to Class Action Settlement Agreement, requesting that the Court enter the Preliminary Approval Order. No judicial hearing has yet been scheduled in the Litigation, and thus no notice of such a hearing is attached. *See id.* § 1715(b)(2). There has been no final judgment or notice of dismissal and thus no such judgment or notice of dismissal is attached. *See* 28 U.S.C. § 1715(b)(6). There are also no written judicial opinions relating to the materials described in subparagraphs (3) through (6) of 28 U.S.C. § 1715(b), and thus no such opinions are attached. *See* 28 U.S.C. § 1715(b)(8).

The foregoing information is provided based on the status of the proceedings at the time of the submission of this notification and on the data currently available to Defendant.

Very truly yours,



Jason A. Newman

Enclosure

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**LIST OF CAFA NOTICE RECIPIENTS**

<b>STATE</b>	<b>ADDRESS</b>
Alabama	Hon. Steve Marshall Alabama Attorney General 501 Washington Avenue Montgomery, AL 36104
Alaska	Hon. Clyde "Ed" Sniffen, Jr. Alaska Attorney General Alaska Department of Law - Civil Division PO Box 110300 Juneau, Alaska 99811-0300
Arizona	Hon. Mark Brnovich Arizona Attorney General 2005 N Central Ave Phoenix, AZ 85004-2926
Arkansas	Hon. Leslie Rutledge Arkansas Attorney General 323 Center Street, Suite 200 Little Rock, AR 72201-2610
California	Hon. Xavier Becerra CAFA Coordinator Office of the Attorney General Consumer Law Section 455 Golden Gate Ave., Suite 11000 San Francisco, CA 94102
Colorado	Hon. Phil Weiser Colorado Attorney General Ralph L. Carr Judicial Building 1300 Broadway, 10th Floor Denver, CO 80203
Connecticut	Hon. William Tong Connecticut Attorney General 55 Elm Street Hartford, CT 06106

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District of Columbia	Hon. Karl A. Racine District of Columbia Attorney General 441 4th Street, NW, Suite 1100 South Washington, DC 20001
Florida	Hon. Ashley Moody Office of Attorney General, State of Florida PL-01 The Capitol Tallahassee, FL 32399-1050
Georgia	Hon. Christopher M. Carr Georgia Attorney General 40 Capitol Square, SW Atlanta, GA 30334
Hawaii	Hon. Clare E. Connors Hawaii Attorney General 425 Queen Street Honolulu, HI 96813
Idaho	Hon. Lawrence G. Wasden State of Idaho Office of the Attorney General 700 W. Jefferson Street, Suite 210 P.O. Box 83720 Boise, ID 83720-0010
Illinois	Hon. Kwame Raoul Illinois Attorney General James R. Thompson Center 100 West Randolph Street Chicago, IL 60601
Indiana	Hon. Curtis T. Hill, Jr. Indiana Attorney General Indiana Government Center South 302 W. Washington Street, 5th Floor Indianapolis, IN 46204



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Nevada	Hon. Aaron D. Ford Nevada Attorney General 100 North Carson Street Carson City, NV 89701
New Hampshire	Hon. Gordon MacDonald New Hampshire Attorney General New Hampshire Department of Justice 33 Capitol Street Concord, NH 03301
New Jersey	Hon. Gurbir S. Grewal New Jersey Attorney General Richard J. Hughes Justice Complex 25 Market Street, P.O. Box 080 Trenton, NJ 08625-0080
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Pennsylvania	Hon. Josh Shapiro Pennsylvania Attorney General Strawberry Square, 16th Floor Harrisburg, PA 17120
Rhode Island	Hon. Peter F. Neronha Rhode Island Attorney General 150 South Main Street Providence, RI 02903
South Carolina	Hon. Alan Wilson South Carolina Attorney General P.O. Box 11549 Columbia, SC 29211

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